

09-09-04

**DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND
RELATED AGENCIES APPROPRIATIONS ACT, 2005**

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HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

September 9, 2004

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Overtime Rules

AMENDMENT OFFERED BY MR. OBEY

Mr. Chairman, I offer an amendment.

The Clerk read as follows:

AMENDMENT OFFERED BY MR. OBEY

At the end of the bill (before the short title), insert the following:

SEC. __. None of the funds provided in this Act may be used by the Department of Labor to implement or administer any change to regulations regarding overtime compensation (contained in part 541 of title 29, Code of Federal Regulations) in effect on July 14, 2004, except those changes in the Department of Labor's final regulation published in the Federal Register on April 23, 2004 at section 541.600 of such title 29.

Mr. Chairman, we now have 8 million people out of work. There are 3 million people that have been out of work so long that they have lost their unemployment benefits, and the majority party in this Congress has steadfastly refused to allow us to do something about that by providing extended unemployment benefits for those workers.

At the same time, for people who are working and people who are not, we have a resurrection of inflation. Inflation is running at twice the rate this year that it ran last year. That means it cost families more to pay for gas, more to pay for health care, more to pay for college costs, and it will continue to rise.

Working families need every dollar in their take-home pay that they can possibly get, and yet the administration has chosen this time to institute new regulations which for the first time in 50 years scaled back workers' entitlement to overtime pay for overtime worked.

Mr. Chairman, this amendment attempts to do two things. It is a very simple amendment. It simply precludes the agency from using any funds in this bill to implement those limiting regulations. We make one exception. We allow the expansion of overtime rights made available under the new rule for workers making between \$8,000 and \$23,660 to stand as is. But we effectively block enforcement of the other portions of the rule.

It just seems to me that the Labor Department, the White House, and the Congress should not be complicit in the effort of employers to chisel on workers' overtime pay. If this amendment does not pass, more than 900,000 employees without a college or graduate degree will be exempt from overtime pay because of definitions of professional employees. Thirty thousand nursery school and Head Start teachers will lose their right to overtime pay. Nearly 90,000 computer employees, funeral directors and licensed embalmers will become exempt and lose their right to pay under the Labor Department rule, and there are many other workers as well who will lose their overtime rights.

Mr. Chairman, this is a very simple amendment. Everyone understands it. This House has already voted on a motion to instruct to adopt precisely the same language we are offering today, and the Senate has already adopted the same proposal in the form of the Harkin amendment.

Despite that fact, the Republican leadership arbitrarily stripped that language out from the conference report last year. This time around we mean business. We mean to see this through. We will not be dissuaded by blackmail threats on the part of the White House that they will veto the bill if this provision which we are offering today is included.

It is very simple. If you are on the side of a worker's right to get overtime pay for overtime worked, you vote for this amendment. If you are not on their side, then you vote against this amendment, or you vote for some other mugwump fig leaf that will serve not to cover workers, but simply to cover the fannies of Members who will be voting this afternoon.